

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COUNTRY MUTUAL INSURANCE CO. a/s/o	:	CIVIL ACTION
NEWTOWN WALK COMMUNITY	:	
	:	
v.	:	
	:	
TOLL BROS., INC.	:	
	:	
v.	:	
	:	
SUMMIT ELECTRIC CONSTRUCTION, INC.	:	NO. 21-2005

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AMERICAN SELECT INSURANCE	:	CIVIL ACTION
COMPANY	:	
	:	
v.	:	
	:	
TOLL BROS., INC. & SUMMIT ELECTRIC	:	
CONSTRUCTION INC.	:	NO. 21-3659

**ORDER**

**AND NOW**, this 1st day of July, 2022, upon consideration of Defendant Toll Bros., Inc.'s Motions for Summary Judgment (Docket No. 18 in Civ. A. No. 21-2005 & Docket No. 18 in Civ. A. No. 21-3659) and Motions for Judgment on the Pleadings (Docket No. 19 in Civ. A. No. 21-2005 & Docket No. 19 in Civ. A. No. 21-3659), and after the hearing held on the Motions on January 18, 2022, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. The Motions for Summary Judgment are **GRANTED**.
2. **JUDGMENT IS ENTERED** in favor of Toll Bros. Inc. and against Country Mutual Insurance Co. in Civ. A. No. 21-2005 on Country Mutual's negligence and breach of warranty claims.

3. **JUDGMENT IS ENTERED** in favor of Toll Bros. and Summit Electric Construction Inc. and against American Select Insurance Co. in Civ. A. No. 21-3659 on American Select's negligence claim.
4. The Motions for Judgment on the Pleadings are **DISMISSED** as moot insofar as they seek judgment that Summit Electric must indemnify Toll Bros. in the instant cases.
5. The Motions for Judgment on the Pleadings are **GRANTED** insofar as they seek judgment that Summit Electric has a contractual duty to defend Toll Bros. in the instant cases.  
**JUDGMENT IS ENTERED** as to liability only on this issue.
6. The Motions for Judgment on the Pleadings are **DEFFERED** insofar as they seek an order that Summit Electric must reimburse Toll Bros. for all attorneys' fees and costs Toll Bros. has incurred during this litigation.
7. Toll Bros. may submit an application for attorneys' fees and costs no later than August 1, 2022, and Summit Electric may file a response to any application no later than August 15, 2022.

BY THE COURT:

s/ John R. Padova

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John R. Padova, J.